

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	
)	
Timothy Kempf, et al.,)	
)	
Defendant.)	No. 06-CR-30138

ORDER

HERNDON, District Judge:

Before the Court are three motions to continue trial submitted by Defendant Timothy Kempf (Doc. 199), Defendant Tina M. Peterson (Doc. 202), and Defendant John R. Laird (Doc. 203). The Court finds that the trial should be postponed because each of these three Defendants and the Government are involved in ongoing discussions concerning a possible plea agreement. In addition, the Court finds that pursuant to **18 U.S.C. § 3161(h)(8)(A)**, the ends of justice served by the granting of such a continuance outweigh the interests of the public and the moving Defendants in a speedy trial because failure to grant a continuance would unreasonably interfere with the current plea negotiations, which if successful would serve all parties' interest in a just and efficient outcome. As for any defendant who has not yet agreed to plead guilty or who will never agree to plead guilty, additional time is needed to determine the full impact of all of these pleas and who is and is not

cooperating. Clearly, to go forward now would visit a manifest miscarriage of justice upon all concerned. Furthermore, the Court finds pursuant to **18 U.S.C. § 3161(h)(7)** that since no motion to sever has been filed, the trial should be continued for the other co-defendants scheduled for trial that day, May 14, 2007: Lawrence Keniley, Joshua J. Jarvis, Keith D. Kunze, and Kevin M. Kunze (collectively referred to herein as "Co-Defendants"). A single trial is favored to preserve the resources of the Court and to promote efficiencies. Therefore, the Court **GRANTS** Defendants Kempf, Peterson, and Laird's motions to continue (Docs. 199, 202, 203) and continues the trial scheduled for May 14, 2007 for Defendants Kempf, Peterson, Laird and the remaining Co-Defendants until July 9, 2007 at 9:00 a.m. The time from the date Defendant Kempf's motion was raised, April 5, 2007, until the date on which the trial is rescheduled, July 9, 2007, is excludable time for the purposes of speedy trial.

IT IS SO ORDERED.

Signed this 9th day of April, 2007.

/s/ David RHerndon
United States District Judge